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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,553	07/26/2001	Koji Nakagiri	862.C2310	4598
5514	7590	02/24/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RAHIMI, IRAJ A	
			ART UNIT	PAPER NUMBER
			2622	
DATE MAILED: 02/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/912,553	NAKAGIRI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	(Iraj) Alan Rahimi	2622	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 July 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8, 10-17, 19-26 and 28 is/are rejected.
- 7) Claim(s) 9, 18 and 27 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Examiner could not locate PTO 1449 form in the file. Applicant is requested to submit the form again.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-27 are rejected as they relate to a non-statutory subject matter, which is a computer program, and not patentable. See MPEP 2106.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 10-14 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan et al. (US patent application 2002/0097407).

Regarding claim 1, Ryan discloses a print control apparatus for controlling printing by an output apparatus capable of book bind printing, comprising:

setting information acquisition means acquiring setting information of said book bind printing correspondence with properties of said output apparatus capable of book bind printing (page 2, paragraph 11, Figs. 4, 19 and 20); and

page layout determination means for determining a page layout upon said book bind printing based on said setting information of said book bind printing (page 2, paragraph 11).

Regarding claim 2, Ryan discloses the print control apparatus according to claim 1 wherein said setting information of said book bind printing includes at least side-order setting information and sheet-order setting information, and wherein said setting information is stored as a file in a memory device (Figs. 1, 2, 3).

Regarding claim 3, Ryan discloses the print control apparatus according to claim 1, wherein said setting information acquisition means acquires said sheet-order setting information and said side-order setting information from the type of said output apparatus or used paper discharge orifice and the type of finisher (page 7, paragraph 55-59).

Regarding claim 4, Ryan discloses the print control apparatus according to claim 3

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wherein said page layout determination means determines the page layout upon said book bind printing based on the acquired sheet-order setting information and side-order setting information (Fig. 3).

Regarding claim 5, Ryan discloses the print control apparatus according to claim 1, further comprising generation means for generating print data transmitted to said output apparatus in accordance with the page layout determined by said page layout determination means (page 7, paragraph 55).

Regarding claims 10 and 19, arguments analogous to those presented for claim 1, are applicable.

Regarding claims 11 and 20, arguments analogous to those presented for claim 2, are applicable.

Regarding claims 12 and 21, arguments analogous to those presented for claim 3, are applicable.

Regarding claims 13and 22, arguments analogous to those presented for claim 4, are applicable.

Regarding claims 14 and 23, arguments analogous to those presented for claim 5, are applicable.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6-8, 15-17, 24-25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Satomi (US patent 4,218,130).

Regarding claim 6, Satomi discloses a print control apparatus for generating print data be print-outputted by an output apparatus, comprising:

layout control means book bind printing documents from said output discharge plural batch apparatus required, controlling layout of each page to arrange pages in consecutive page numbers for each batch document (column 5, lines 43-67. Repeating dial for multiple copies is considered batching plural documents); and

transmission order control means for, if book bind printing to discharge plural batch documents from said output apparatus required, controlling the order of transmission of print data by each batch document (column 6, lines 12-39).

Regarding claim 7, Satomi discloses the print control apparatus according to claim 6,

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wherein said transmission order control means controls the order of transmission of print data by each batch document based on designation of opening direction of book binding (column 5, lines 46-50; binding side is considered to be equivalent to opening direction of book binding).

Regarding claim 8, Satomi discloses the print control apparatus according to claim 7, wherein said opening direction of book binding is included in print settings designated by a user via user interface, and wherein paper discharge property said output apparatus is previously determined for each output apparatus (column 5, lines 46-50).

Regarding claims 15 and 24, arguments analogous to those presented for claim 6, are applicable.

Regarding claims 16 and 25, arguments analogous to those presented for claim 7, are applicable.

Regarding claims 17 and 26, arguments analogous to those presented for claim 1, are applicable.

Regarding claim 28, Satomi discloses a computer-readable storage medium (collector 43) holding the program in claim 19 (column 5, lines 63-67).

***Allowable Subject Matter***

7. Claims 9, 18 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art Cited***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kato (US patent 5,897,251) discloses an apparatus allowing double side wiring or saddle wiring of copied sheets.

Kanerva (US patent 6,507,858) discloses ordered binder document section having different file formats.

Kutsuwada (US patent 5,600,429) discloses image copying apparatus.

Rouke et al. (US patent 5,119,206) disclose a system for printing bound documents.

Shima (US patent 6,827,514) discloses a printer with bookbinding function for binding printed matter.

Ishizuka et al. (US patent 5,592,280) discloses sheet binding apparatus capable of performing two kinds of binding.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 703-306-3473. The examiner can normally be reached on Mon.-Fri. 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*HR*  
Alan Rahimi  
February 15, 2005

*EC*  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY